

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION**

CHARLES DAVIS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:14-cv-0220-WTL-DKL
)	
GAIL POVALERI, CHRIS MONROE,)	
and TAMI HINES,)	
)	
Defendants.)	

Entry Dismissing Action

On December 2, 2014, and May 6, 2015, this Court issued Entries dismissing the plaintiff's complaint for failure to state a claim. Each time, the Court gave the plaintiff an opportunity to show cause why judgment consistent with the Entry should not issue. The plaintiff filed a response in each instance. For the reasons set forth in the Entries [dks. 35, 45] the complaint **is dismissed for failure to state a claim.**

One of the reasons cited by the Court in the Entry of May 6, 2015, is *Heck v. Humphrey*, 512 U.S. 477 (1994). *Heck* forbids a convicted person from seeking damages on any theory that implies that his conviction was invalid unless the conviction is overturned first. Here, the plaintiff seeks money damages for errors in the transcript. He claims that an error-free transcript would have overturned his conviction on appeal. This challenges the validity of the conviction, which is not permitted. In his return to order to show cause, [dkt. 46, at pg. 8], the plaintiff states that he is awaiting the conclusion of an appeal by the Indiana Supreme Court. For these reasons, the plaintiff's **complaint is dismissed without prejudice.** Judgment consistent with this order shall now enter.

IT IS SO ORDERED.



Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Dated: August 13, 2015

Distribution:

Charles Davis, # 960610
Wabash Valley Correctional Facility
Electronic Service Participant - Court only

Electronically registered counsel